

# **EXHIBIT 10**

**From:** [flynnk@gtlaw.com](mailto:flynnk@gtlaw.com)  
**To:** [ben@peopleslawoffice.com](mailto:ben@peopleslawoffice.com)  
**Cc:** [joeymogul@peopleslawoffice.com](mailto:joeymogul@peopleslawoffice.com); [awest@halemonico.com](mailto:awest@halemonico.com); [roshna@loevy.com](mailto:roshna@loevy.com); [FordyceT@gtlaw.com](mailto:FordyceT@gtlaw.com); [brad@peopleslawoffice.com](mailto:brad@peopleslawoffice.com); [azecchin@halemonico.com](mailto:azecchin@halemonico.com); [futterman@uchicago.edu](mailto:futterman@uchicago.edu); [icausevic@halemonico.com](mailto:icausevic@halemonico.com); [gibbonsj@gtlaw.com](mailto:gibbonsj@gtlaw.com); [johnstainthorp@peopleslawoffice.com](mailto:johnstainthorp@peopleslawoffice.com); [julie@loevy.com](mailto:julie@loevy.com); [khenrikson@halemonico.com](mailto:khenrikson@halemonico.com); [o.jackson@halemonico.com](mailto:o.jackson@halemonico.com); [DorsettS@gtlaw.com](mailto:DorsettS@gtlaw.com); [drury@loevy.com](mailto:drury@loevy.com)  
**Subject:** RE: Batchelor and Bailey - Meet and Confer on Defendants' Depositions and Polygraph Materials  
**Date:** Tuesday, September 8, 2020 5:46:21 PM  
**Attachments:** [image001.png](#)

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Ben,

We sent a GT attorney to the CPD warehouse where older hardcopy polygraph records are stored. Plaintiffs' discovery requests seek polygraphs records for polygraphs administered from 1985 to 1995. Although the City objects to this temporal scope, we have gathered information regarding the storage of polygraph records from this time period.

We have learned that hardcopy polygraph records from polygraphs administered from 1993 to 1999 are stored in boxes. There are approximately 150-200 boxes that would need to be searched for years 1993-1995. We project it would take 3 hours of review time for each box. Thus, for these three years, it would require at least 450 hours of review time.

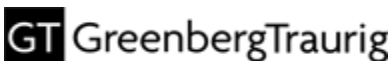
We have also learned that the polygraph records from polygraphs administered from 1985 to 1992 are stored on microfilm. We are in the process of finding the storage location of this microfilm. When we learn more about the microfilm, we will provide an update.

Thank you,

**Kyle L. Flynn**

Associate

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**From:** Ben Elson <[ben@peopleslawoffice.com](mailto:ben@peopleslawoffice.com)>

**Sent:** Thursday, August 20, 2020 7:26 PM

**To:** Flynn, Kyle L. (Assoc-Chi-LT) <[flynnk@gtlaw.com](mailto:flynnk@gtlaw.com)>

**Cc:** Joey Mogul <[joeymogul@peopleslawoffice.com](mailto:joeymogul@peopleslawoffice.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Roshna Bala Keen <[roshna@loevy.com](mailto:roshna@loevy.com)>; Fordyce, Tiffany S. (Shld-Chi-Labor-EmpLaw-LT) <[FordyceT@gtlaw.com](mailto:FordyceT@gtlaw.com)>; Brad Thomson <[brad@peopleslawoffice.com](mailto:brad@peopleslawoffice.com)>; Anthony Zecchin

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<DorsettS@gtlaw.com>; Scott Drury <drury@loevy.com>

**Subject:** Re: Batchelor and Bailey - Meet and Confer on Defendants' Depositions and Polygraph Materials

Kyle,

Can you please provide an update on this issue?

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**Ben H. Elson**  
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On Wed, Aug 12, 2020 at 1:55 PM <[flynnk@gtlaw.com](mailto:flynnk@gtlaw.com)> wrote:

Ben,

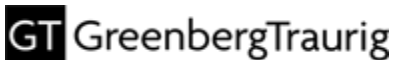
As a result of the unrest in the City this week, the Officers I have been working with regarding the polygraph records have had their hands full with other matters. I do not have any additional information to share with you at this time but if my phone calls are returned today, I will send you an email summarizing any new information I learn prior to our status hearing.

Thank you,

**Kyle L. Flynn**

Associate

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**From:** Ben Elson <[ben@peopleslawoffice.com](mailto:ben@peopleslawoffice.com)>

**Sent:** Wednesday, August 12, 2020 11:13 AM

**To:** Flynn, Kyle L. (Assoc-Chi-LT) <[flynnk@gtlaw.com](mailto:flynnk@gtlaw.com)>

**Cc:** Joey Mogul <[joeymogul@peopleslawoffice.com](mailto:joeymogul@peopleslawoffice.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Roshna Bala Keen <[roshna@loevy.com](mailto:roshna@loevy.com)>; Fordyce, Tiffany S. (Shld-Chi-Labor-EmpLaw-LT) <[FordyceT@gtlaw.com](mailto:FordyceT@gtlaw.com)>; Brad Thomson <[brad@peopleslawoffice.com](mailto:brad@peopleslawoffice.com)>; Anthony Zecchin <[azecchin@halemonico.com](mailto:azecchin@halemonico.com)>; Craig B. Futterman <[futterman@uchicago.edu](mailto:futterman@uchicago.edu)>; [icausevic@halemonico.com](mailto:icausevic@halemonico.com); Gibbons, John (Shld-Chi-LT) <[gibbonsj@gtlaw.com](mailto:gibbonsj@gtlaw.com)>; John Stainthorp <[johnstainthorp@peopleslawoffice.com](mailto:johnstainthorp@peopleslawoffice.com)>; Julie Goodwin <[julie@loevy.com](mailto:julie@loevy.com)>; [khenrikson@halemonico.com](mailto:khenrikson@halemonico.com); [ojackson@halemonico.com](mailto:ojackson@halemonico.com); Dorsett, Scott (Assoc-CHI-LT) <[DorsettS@gtlaw.com](mailto:DorsettS@gtlaw.com)>; Scott Drury <[drury@loevy.com](mailto:drury@loevy.com)>

**Subject:** Re: Batchelor and Bailey - Meet and Confer on Defendants' Depositions and Polygraph Materials

Kyle,

Can you give us a response today so we can report where we stand to Judge Tharp during tomorrow's status?

---

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On Mon, Aug 10, 2020 at 10:54 AM <[flynnk@gtlaw.com](mailto:flynnk@gtlaw.com)> wrote:

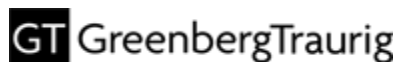
Ben,

This is some of the information we are trying to collect. We hope to have an answer to your question by tomorrow.

Thanks,

**Kyle L. Flynn**  
Associate

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**From:** Ben Elson <[ben@peopleslawoffice.com](mailto:ben@peopleslawoffice.com)>

**Sent:** Friday, August 7, 2020 11:02 AM

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**Subject:** Re: Batchelor and Bailey - Meet and Confer on Defendants' Depositions and Polygraph Materials

Kyle,

While we're waiting for your update, can you please tell us specifically how the warehoused polygraph records are organized (i.e., by year and/or RD number, etc.)? Having this information will help us determine if we can reach a compromise. Please respond by close of business today.

Thanks.

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On Wed, Aug 5, 2020 at 6:35 PM <[flynnk@gtlaw.com](mailto:flynnk@gtlaw.com)> wrote:

Joey,

While we have learned more regarding the City's storage of polygraph records, we are still working to respond to the outstanding questions relating to the historical documents at issue. It appears that polygraph examination records administered prior to 2000 are stored at a warehouse and are not digitized.

It remains our understanding that locating the records, as requested, is an extremely manual process. The records are not maintained by the name of the polygraph examiner. At best,

based on our research to date, it appears that we would have to require individuals to pull the examination results for every polygraph examination marked as a death or homicide (assuming we can isolate just those examinations) and review them to determine if Messrs. Stout, McArdle, or Tovar administered the examination. It is also our understanding that the total number of examinations conducted by just the three individual defendants may be in the tens of thousands. Thus, so far our burdensomeness arguments remain, although we are still trying to explore viable options to reach a compromise.

City employees are dedicated to helping us run this down, and we hope to have a further update for you shortly.

Also, regarding Ben Elson's proposal to limit the temporal scope of Plaintiff's RPD No. 1, the City is standing on its objections and will not produce any policy records that were created after 1990.

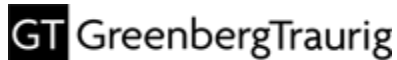
Thank you,

**Kyle L. Flynn**

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